

REMARKS**INTRODUCTION:**

In accordance with the foregoing, claims 1, 2, 17, 38, and 40 have been canceled without prejudice or disclaimer. No new matter is being presented, and approval and entry of the foregoing amendments are respectfully requested.

Claims 13-16, 19, 21, 23, 24, 27, 30, and 42 are pending and under consideration.

Reconsideration is requested.

ENTRY OF AMENDMENT UNDER 37 C.F.R. §1.116:

Applicants request entry of this Rule 116 Response because:

- (1) the rejected claims have been canceled;
- (2) the amendments do not significantly alter the scope of the claims and place the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in Section 714.12 that "any amendment that would place the case either in condition for allowance or in better form for appeal may be entered." Moreover, Section 714.13 sets forth that "the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102:

In the Office Action at pages 2-3, the Examiner rejects claims 1, 2, 38, 17, and 40 under 35 U.S.C. §102 in view of pages 1-3 and FIGs. 1 and 2 of the instant application (hereinafter referred to as the "Other Device"). This rejection is respectfully traversed and reconsideration is requested.

While applicants do not agree with the Examiner's characterization of the Other Device,

in order to expedite prosecution, claims 1, 2, 17, 38, and 40 have been canceled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is deemed moot.

REJECTION UNDER 35 U.S.C. §103:

In the Office Action at pages 3-4, the Examiner rejects claims 17 and 40 under 35 U.S.C. §103 in view of the Other Device and Japanese Patent Publication No. 10-181029. The rejection is respectfully traversed and reconsideration is requested.

While applicants do not agree with the Examiner's characterization of the combination, in order to expedite prosecution, claims 17 and 40 have been canceled without prejudice or disclaimer. As such, it is respectfully submitted that the rejection is deemed moot.

STATUS OF CLAIMS NOT REJECTED:

On page 5, the Examiner allows claims 13-16, 19, 21, 23, 24, 27, 30, and 42.

CONCLUSION:

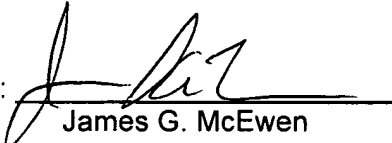
In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any additional fees associated with the filing of this Response, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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